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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,994	06/04/2001	Hirohumi Takiue	WN-2326	4685
7590	11/05/2003		EXAMINER	
McGinn & Gibb, PLLC 8321 Old Courthouse Road, Suite 200 Vienna, VA 22182-3817			SUN, XIUQIN	
			ART UNIT	PAPER NUMBER
			2863	

DATE MAILED: 11/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/871,994

Applicant(s)

TAKIUE, HIROHUMI

Examiner

Xiuqin Sun

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Amendment*

1. Upon further consideration, the allowable subject matter of claims 1-17 as indicated in the last Office Action mailed on 07/17/2003 has been withdrawn and replaced by the following office action. Any inconvenience to the Applicant(s) is regretted.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 7, 8 and 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harada et al. (U.S. Pat. No. 5721583) in view of Barber et al. (U.S. Pat. No. 4858121).

Harada et al. teach a method and system for analyzing data in a center, wherein said data is obtained from an instrument measuring an object in a user and sent through a communication network to the center (see abstract; Figs. 1-2 and col. 10, lines 25-41), comprising the steps and means of: accessing directly through said communication network to said center from said instrument (col. 7, lines 35-45 and lines 56-65; col. 10, lines 25-41 and col. 11, lines 53-57); sending said measured data together with a

required information from said instrument to said center (col. 9, lines 40-48 and col. 10, lines 25-41); analyzing said measured data in said center automatically according to reference data stored previously to generate an analysis result (col. 8, lines 24-29; col. 9, lines 49-61 and col. 10, lines 25-41); and sending back an analysis result from said center to said user (col. 9, lines 49-61 and col. 10, lines 25-41). Harada et al. further teach: said instrument, said object, and said terminal comprise a user system (Fig. 2 and col. 16, lines 35-47); said instrument and terminal are in direct communication (Figs. 1, 2; col. 15, lines 64-67; col. 16, lines 1-6 and col. 16, lines 26-34); said analyzing center comprises: an administration center in direct communication with said measuring instrument (Fig. 3B; Figs. 9 and 10; col. 17, lines 1-13; col. 19, lines 42-67 and col. 20, lines 1-7); and a measured-data process center in communication with said administration center, wherein said measured-data process center performs said analysis (Fig. 3B; col. 17, lines 1-13; col. 19, lines 42-67 and col. 20, lines 1-7).

Harada et al. do not mention explicitly that: judging whether said measured data is simple based upon a predetermined standard; analyzing said measured data in said center to generate an analysis result if said measured data is simple; said measured-data process center further comprises: a user-access portion that generates a notice if said analyzer cannot analyze the measured data according to the reference data and provides access to said instrument for a center staff to enable control of said instrument, and that receives measured data again.

Barber et al. disclose a central data processing system (abstract). Barber et al. teach the steps and means of judging whether said measured data is "simple" based

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upon a predetermined standard before said data is processed; sensing back a setting data to the user if said data is not "simple"; and sending an analysis result to said user (col. 2, lines 3-9; col. 3, lines 42-59; col. 6, lines 10-18; col. 8, lines 55-68 and col. 9, lines 1-2). Barber et al. further teach: said central data processing system includes a user-access portion that generates a notice if said analyzer cannot analyze the measured data according to the reference data and provides access to the measurement instrument for a center staff to enable control of said instrument, and that receives measured data again. (col. 8, lines 67; col. 9, lines 1-2; col. 13, lines 64-67; col. 14, lines 1-12 and lines 51-62)

It would have been obvious to include the teaching of Barber et al. in the Harada system and method in order to make sure that the measured data is in simple contents or in a correct format or matches the predetermined standard before it is processed or analyzed in said center (Barber et al., abstract).

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harada et al. in view of Barber et al., as applied to claim 1 above, and further in view of Muta (U.S. Pat. No. 6286003 B1).

Harada et al. teach a method and system that includes the subject matter discussed above. Harada et al. do not mention explicitly: said communication network is an INTERNET and said center has a homepage on the INTERNET, comprising the steps of: accessing and opening the homepage from said user at a request for the analysis of the measured data; inputting data into required items shown on the homepage in said user; and sending the input data from said user to said center.

Muta discloses a method and system for controlling a GUI screen at a remotely controlled server machine on a communication network (see abstract; Figs. 2-3 and col. 1, lines 55-60), and teaches the following elements: said communication network is an INTERNET and said server machine has a homepage on the INTERNET (col. 3, lines 46-62); said method and system comprises the steps and means of: accessing and opening the homepage from said user at a request for the analysis of the measured data (col. 2, lines 60-66; col. 2, lines 45-49; col. 3, lines 31-42 and col. 8, lines 13-35); inputting data into required items shown on the homepage in said user (col. 2, lines 60-66; col. 2, lines 45-49 and col. 3, lines 31-42); and sending the input data from said user to said server (col. 2, lines 60-66; col. 2, lines 45-49 and col. 3, lines 31-42).

It would have been obvious to include the teachings of Muta Internet and HTML page techniques in the Harada system in order to employ the most popular state-of-art technology for providing an economic and efficient telecommunication service between the user instrument and the server machine (Muta, abstract).

5. Claims 5, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harada et al. in view of Barber et al., as applied to claim 1 above, and further in view of Ward et al. (U.S. Pat. No. 5754121).

Harada et al. teach a method and system that includes the subject matter discussed above. Harada et al. do not mention: said instrument, if receiving setting data from said center, measures the object and sends the measured data again, and then receives analysis result from said center; said center, in case of impossibility of analysis

for the measured data, sends back a setting data to said instrument, receives measured data again and sends an analysis result to said user.

Ward et al. disclose a joint monitor capable of two-way remote communication with a medical facility (see abstract; Fig. 1; col. 3, lines 6-11 and lines 21-23), and teach the following elements: said monitor, receiving setting data from said medical facility, measures the object and sends the measured data back to the facility, and then receives operational instruction from said facility again (col. 3, lines 50-64; col. 4, lines 5-14; col. 4, lines 63-67; col. 5, lines 1-10; col. 5, lines 48-60, lines 66-67 and col. 6, lines 1-38); said medical facility, whenever necessary, sends a setting data to said monitor, and then receives measured data from the monitor for analysis (col. 3, lines 50-64; col. 4, lines 63-67; col. 5, lines 1-10; col. 5, lines 66-67 and col. 6, lines 1-38).

It would have been obvious to include the teachings of Ward two-way remote communication technique in the combination of Harada and Barber et al. in order to make the interaction between the user instrument and the server machine more flexible and practically bi-directional (Ward et al., abstract).

6. Claims 3-4, 6-7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harada et al. in view of Barber et al. and Ward et al., as applied to claims 1 and 5 above, and further in view of Derzay et al. (U.S. Pat. No. 6434572 B2).

Harada et al., Barber et al. and Ward et al. teach the subject matter discussed above except that: said center stations at least one center staff of professional, including the step of asking the center staff to come for impossibility of the automatic analysis, wherein said center staff analyzes the measured data; said center staff

accesses said instrument, controls said instrument by setting data for measuring sent from said center, and said center receives measured data for analyzing again; and sending a request for measurement of said object by said instrument from a terminal in said user system directly to said instrument.

Derzay et al. disclose a system and method for providing remote service to a range of medical diagnostic systems through a centralized service center (see Fig. 1; col. 3, lines 11-18 and lines 27-30), and teach the following elements: said center can station at least one center staff of professional, wherein said center staff comes on-site to analyzes the measured data (col. 11, lines 16-67); said center staff accesses said instrument, controls said instrument by setting data for measuring sent from said center, and said center receives measured data for analyzing again (col. 4, lines 48-50, lines 56-57; col. 11, lines 23-67 and col. 12, lines 1-5). Derzay et al. further teach the step and means of sending a request for measurement of an object by said instrument from a terminal in the user system directly to said instrument (col. 4, lines 46-61 and col. 11, lines 16-38).

It would have been obvious to include the teachings of Derzay on-site service in the combination of Harada and Barber et al. in order to provide a system in which measurement data can be collected and analyzed both remotely and locally (Derzay et al., abstract).

### ***Conclusion***



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7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

#### ***Contact Information***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xiuqin Sun whose telephone number is (703)305-3467. The examiner can normally be reached on 7:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (703)308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9306.


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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

Xiuqin Sun  
Examiner  
Art Unit 2863

  
XS

October 28, 2003

  
John Barlow  
Supervisory Patent Examiner  
Technology Center 2800